

## **Memorandum**

**To:** Education Task Force Members  
**From:** Lindsay Russell, Director, Education Task Force, ALEC  
**Re:** 35-Day Mailing—Education Task Force Meeting  
**Date:** July 3, 2013

The American Legislative Exchange Council (ALEC) will host its 2013 Annual Meeting August 7-August 9 in Chicago, Illinois at the [Palmer House Hilton](#). The Education Task Force will meet on Thursday, August 8th from 2:30 p.m. – 5:30 p.m. There will also be education workshops and an education subcommittee meeting (listed below). All Task Force members are highly encouraged to participate in the workshops and the subcommittee meeting. If you have any questions, concerns, or amendments to any proposed model legislation or bills undergoing sunset review, please be sure to attend the subcommittee meeting.

### **Education Subcommittee Meeting**

Wednesday, August 7, 2013  
9:00 a.m. – 11:00 a.m.

### **Education Workshops**

Wednesday, August 7, 2013  
1:45 p.m. – 3:00 p.m. “Redesigning State Education Agencies”  
3:15 p.m. – 4:30 p.m. “Modeling State Funding Formulas, K-12 Online Course Providers”

Thursday, August 8, 2013  
9:30 a.m. – 10:45 a.m. “The Conclusion, Greatest Hits: District Finance Reform”

Friday, August 9, 2013  
9:30 a.m. – 10:45 a.m. “Statewide Full-Time Virtual Schools: The Case for Parent Choice vs. Local Control”

### **Education Task Force Meeting**

Thursday, August 8, 2013  
2:30 p.m. – 5:30 p.m.

### **Enclosed Materials:**

- Registration and Housing Forms
- 2013 Annual Meeting Agenda-At-A-Glance
- Education Task Force Meeting Tentative Agenda
- Education Subcommittee Meeting Tentative Agenda
- Education Task Force Proposed Model Legislation for Consideration (Summaries)
  - The Great Schools Tax Credit Program Act (Scholarship Tax Credits)
  - Student Data Accessibility, Transparency, and Accountability Act

- Informed Student Document Bill
- The Collegiate Learning Assessment Bill
- The Honest Transcript Bill
- Education Task Force Model Legislation for Sunset Review
- ALEC's Mission Statement and Scholarship Policy

I look forward to meeting with you next month. Please review all agendas and legislation to be an active participant. If you have any questions or concerns regarding the meeting, feel free to contact me at [lrussell@alec.org](mailto:lrussell@alec.org) or 202-725-7764.

DRAFT

## **2013 Annual Meeting Working Agenda\***

### **Wednesday, August 7**

Registration Open, 7:30 a.m. - 5:00 p.m.

Exhibit Hall Open, 9:30 a.m. - 5:00 p.m.

Subcommittee Meetings, 7:30 a.m. – 11:30 a.m.

Plenary Lunch, 11:30 a.m. - 1:30 p.m.

Workshops, 1:45 p.m. – 4:30 p.m.

Various Receptions, 5:00 p.m. – 8:30 p.m.

### **Thursday, August 8**

Registration, 7:30 a.m. - 5:00 p.m.

Exhibit Hall Open, 9:30 a.m. - 5:00 p.m.

Plenary Breakfast, 8:00 a.m. - 9:15 a.m.

Workshops, 9:30 a.m. - 12:15 p.m.

Plenary Lunch, 12:30 p.m. - 2:15 p.m.

Task Force Meetings, 2:30 p.m. - 5:30 p.m.

Various Receptions, 5:30 p.m. – 11:30 p.m.

### **Friday, August 9**

Registration, 7:30 a.m. - 12:30 p.m.

Exhibit Hall Open, 9:30 a.m. - 12:00 p.m.

Plenary Breakfast, 8:00 a.m. - 9:15 a.m.

Workshops, 9:30 a.m. - 12:15 p.m.

Plenary Lunch, 12:30 p.m. - 2:15 p.m.

Task Force Meetings, 2:30 p.m. - 5:30 p.m.

Various Receptions, 5:30 p.m. – 6:30 p.m.

State Night Dinners, *Times Will Vary*

\*items subject to change

# ATTENDEE REGISTRATION/HOUSING FORM

40<sup>th</sup> Annual Meeting  
August 7 – August 9



Early registration deadline: June 19, 2013  
Standard registration deadline: July 17, 2013  
Housing Cut-off deadline: July 17, 2013

The Palmer House Hilton  
17 East Monroe Street • Chicago, IL 60603

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:00 pm EST  
571-482-5056

## ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Primary Address ☐ Business ☐ Home \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_  
Emergency Contact Name \_\_\_\_\_ Day Phone \_\_\_\_\_ Evening Phone \_\_\_\_\_  
Dietary Restrictions \_\_\_\_\_  
☐ This is my first time attending an ALEC event.

\*Spouse / Guest/Kids' Congress: If registering a spouse or guest, please complete the spouse/guest registration form

## REGISTRATION INFORMATION

\*\* Please note that member fees are subject to verification

	EARLY ending June 19	STANDARD ending July 17	ON-SITE beginning July 18	DAILY
<input type="checkbox"/> ALEC Legislative Member	\$475	\$575	\$675	\$295
<input type="checkbox"/> Legislator / Non-Member	\$575	\$675	\$725	\$395
<input type="checkbox"/> ALEC Private Sector Member	\$840	\$930	\$1099	\$595
<input type="checkbox"/> Private Sector / Non-Member	\$975	\$1065	\$1350	\$695
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$610	\$685	\$760	\$395
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$725	\$800	\$875	\$495
<input type="checkbox"/> Legislative Staff / Government	\$650	\$750	\$900	\$495
<input type="checkbox"/> ALEC Alumni	\$525	\$625	\$725	\$345
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0	\$0

REGISTRATION FEES: \$ \_\_\_\_\_

### METHOD OF REGISTRATION PAYMENT

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Registration forms with enclosed payments must be received by 5pm EST on the following dates to be eligible for discounted registration rates: June 19, 2013, for early registration rates, or July 17, 2013, for standard registration rates. Forms and/or payments received after July 17, 2013 will be subject to the on-site registration rate.

### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5:00pm EST July 17, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00pm EST July 17, 2013. All refund requests must be made in writing and sent via email to meetings@alec.org. Registration fees may be transferred from one registrant to another. Please send a transfer request in writing via email to meetings@alec.org.

## HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS 5pm EST July 17, 2013

The Palmer House Hilton

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Sharing with: (Maximum 4 guests per room )

### Room Rates

<input type="checkbox"/> Single	\$189
<input type="checkbox"/> Double	\$189
<input type="checkbox"/> Triple	\$214
<input type="checkbox"/> Quad	\$239

### Special requests

☐ ADA room required:  
\_\_\_\_ Audio \_\_\_\_ Visual \_\_\_\_ Mobile  
☐ Rollaway / crib: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All rates DO NOT include state and local tax currently 16.40% (subject to change)

### Credit Card Information/ Reservation Guarantee

Credit Card information is required at time of reservation to guarantee the reservation. Card must be valid through August 2013

☐ Please use the same credit card information as above.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Note:** Cutoff for reservations at the ALEC rate is July 17, 2013. After July 17, 2013 every effort will be made to accommodate new reservations, based on availability and rate.

### HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

### HOUSING CANCELLATION / REFUND INFORMATION

Cancellations made within 24 hours of arrival will forfeit one night's room and tax. All changes and/or cancellations must be made directly with the hotel. Please obtain a cancellation number when your reservation is cancelled.

# SPOUSE / GUEST / KIDS' CONGRESS REGISTRATION FORM

40<sup>th</sup> Annual Meeting  
August 7 – August 9

Early registration deadline: June 19, 2013  
Standard registration deadline: July 17, 2013

The Palmer House Hilton  
17 East Monroe Street • Chicago, IL 60603



Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:00 pm EST  
571-482-5056

**IMPORTANT: Please identify the ALEC attendee**

## ALEC ATTENDEE Profile Information

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
Daytime Phone \_\_\_\_\_  
Email (Confirmation will be sent by email) \_\_\_\_\_

SPOUSE / GUEST / KIDS' CONGRESS Registration Fees	(#) x	EARLY ending June 19	STANDARD ending July 17	ON-SITE beginning July 18	DAILY	Amount
A. Spouse / Guest / Child 18 yrs or older	( ) x	\$150	\$150	\$150	n/a	= \$ _____
B. Kid's Congress (6 months to 17 yrs) <b>for ALEC Members Full Conference Rate</b>	( ) x	\$250	\$350	\$550	n/a	= \$ _____
C. Kid's Congress (6 months to 17 yrs) <b>for Non-ALEC Members Full Conference Rate</b>	( ) x	\$350	\$450	\$650	n/a	= \$ _____
D. Kid's Congress (6 months to 17 yrs) <b>Day rate: Wed., Thurs., or Fri.</b>	( ) x	\$150	\$150	\$250	n/a	= \$ _____

SPOUSE / GUEST / KID'S REGISTRATION FEE(S) TOTAL \$ \_\_\_\_\_

## Spouse / Guest / Child Names Please list the names of the spouse / guest / children below

Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)	Spouse / Guest / Child Name	Child Date of Birth	Registration Type A,B,C,D (above)
1. _____	_____	_____	5. _____	_____	_____
2. _____	_____	_____	6. _____	_____	_____
3. _____	_____	_____	7. _____	_____	_____
4. _____	_____	_____	8. _____	_____	_____

## Payment Information

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

☐ American Express Card # \_\_\_\_\_  
☐ Visa Cardholder (please print) \_\_\_\_\_  
☐ MasterCard Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_  
Signature \_\_\_\_\_

**Check / money order:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

**Note:** Registration forms with enclosed payments must be received by 5pm EST on the following dates to be eligible for discounted registration rates: June 19, 2013, for early registration rates, or July 17, 2013, for standard registration rates. Forms and/or payments received after July 17, 2013 will be subject to the on-site registration rate.

## Confirmation Information

Online registrants will receive immediate confirmation via email. If registering by written form, confirmation will be emailed (if address provided), faxed, or mailed within 72 hours of receipt of payment.

## Cancellation / Refund Information

Registrations cancelled prior to 5:00pm EST July 17, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00pm EST July 17, 2013. All refund requests must be made in writing and sent via email to meetings@alec.org.

**Education Task Force Meeting**  
Annual Meeting | Thursday, August 8th  
2:30 p.m. – 5:30 p.m.

**Tentative Agenda**

- 2:30 p.m. Welcome and Introductions**  
Rep. Greg Forristall, Iowa, Public Sector Task Force Chair  
Jonathan Butcher, Goldwater Institute, Private Sector Task Force Chair
- 2:45 p.m. Proposed Model Bill Discussion and Voting:**
- Student Data Accessibility, Transparency, and Accountability Act
  - The Great Schools Tax Credit Program Act (Scholarship Tax Credits)
  - The Honest Transcript Bill
  - Informed Student Document Bill
  - The Collegiate Learning Assessment Bill
- 4:00 p.m. Presentations:**
- Erin Fulton, “Every Student Deserves a Quality Education: Personal Experience with Vouchers”
  - Illinois Policy Institute, Digital Learning
  - TBD
- 4:45 p.m. Model Bill Discussion and Voting: Sunset Review**
- K-12 Education Reform**
- Charter Schools Act (1995)
  - Next Generation Charter Schools Act (2007)
  - Teacher Choice Compensation Act (2002)
  - Teacher Quality and Recognition Demonstration Act (2002)

- National Teacher Certification Fairness Act (2002)

### **Digital Learning**

- Virtual Public Schools Act (2004)

### **Higher Education**

- The College Funding Education Act (1999)
- Resolution Calling for Great Productivity in American Higher Education (2009)
- Lifelong Learning Accounts Act (2009)
- The Full Faith and Credit for Properly Constructed Individualized Education Plans Act (2008)
- Personal Financial Literacy Act (2009)

**5:30 p.m. Good of the Order/Adjournment**

**Education Task Force  
Subcommittee Meeting**

Annual Meeting | Wednesday, August 7th  
9:00 a.m. – 11:00 a.m.

**Tentative Agenda**

**9:00 a.m. Welcome and Introductions**

Rep. Greg Forristall, Iowa, Public Sector Task Force Chair  
Jonathan Butcher, Goldwater Institute, Private Sector Task Force Chair

**9:10 a.m. Introduce New Subcommittee Leadership**

**9:20 a.m. K-12 Education Reform**

**Proposed Model Bills for Consideration**

- Student Data Accessibility, Transparency, and Accountability Act
- The Great Schools Tax Credit Program Act (Scholarship Tax Credits)

**Sunset Review**

- Next Generation Charter Schools Act (2007)
- Charter Schools Act (1995)
- Teacher Choice Compensation Act (2002)
- Teacher Quality and Recognition Demonstration Act (2002)
- National Teacher Certification Fairness Act (2002)

**9:50 a.m. Digital Learning**

**Sunset Review**

- Virtual Public Schools Act (2004)



## **Presentations (TBD)**

### **10:20 a.m. Higher Education**

#### **Proposed Model Bills for Consideration**

- The Honest Transcript Bill
- Informed Student Document Bill
- The Collegiate Learning Assessment Bill

#### **Sunset Review**

- The College Funding Education Act (1999)
- Resolution Calling for Great Productivity in American Higher Education (2009)
- Lifelong Learning Accounts Act (2009)
- The Full Faith and Credit for Properly Constructed Individualized Education Plans Act (2008)
- Personal Financial Literacy Act (2009)

### **11:00 a.m. Good of the Order/Adjournment**

## **ALEC's 40<sup>th</sup> Annual Meeting Education Task Force Proposed Model Legislation for Consideration**

### **The Great Schools Tax Credit Program Act (Scholarship Tax Credits)**

#### ***Summary***

The Great Schools Tax Credit Program authorizes a tax credit for individual and corporate contributions to organizations that provide educational scholarships to eligible students so they can attend qualifying public or private schools of their parents' choice.

### **Student Data Accessibility, Transparency, and Accountability Act**

#### ***Summary***

The Student Data Accessibility, Transparency, and Accountability Act would require the [State Board of Education/State Department of Education] to make publicly available an inventory and index of all data elements with definitions of individual student data fields currently in the statewide longitudinal data system. The [State Board of Education/State Department of Education] would be required to create a data security plan, ensuring compliance with federal and state data privacy laws and policies. Certain contracts would be required to include privacy and security provisions. A Chief Privacy Officer will be created within the State Department of Education whose primary mission includes ensuring department-wide compliance with all privacy laws and regulations. This bill adds new annual security and privacy reporting requirements to the Governor and Legislature.

## **Informed Student Document Bill**

### ***Summary***

To aid students and their parents, the Informed Student Document Bill would publish the following outcomes by which a state's universities can be compared:

1. "Sticker-price" tuition relative to other institutions
2. Net price, after grants and scholarships, relative to other institutions
3. Retention rate relative to other institutions
4. Graduation rate relative to other institutions
5. Average student debt relative to other institutions
6. Loan repayment rates relative to other institutions
7. Employment potential relative to other institutions.
8. Average starting salaries for each academic major (gleaned from national employment surveys).

In addition to posting this information online, all potential applicants to a state college or university would receive this document in their application packet.

## **The Collegiate Learning Assessment Bill**

### ***Summary***

This model legislation requires public colleges and universities to administer the Collegiate Learning Assessment (CLA) to all students during their freshman and senior years. The schools would also be required to publish the results, broken down by academic majors.

The bill focuses on transparency in student-learning outcomes as the first step toward raising public awareness about areas of academic strength and weakness in certain schools and majors. This would guide prospective students toward schools and majors shown to yield significant increases in learning.

## **The Honest Transcript Bill**

### ***Summary***

The Honest Transcript Bill looks to correct grade inflation by requiring all public colleges and universities to include on student transcripts—alongside the individual grade the student received for each class—the average grade given by the professor for the entire class. This would help potential employers learn whether a given high grade-point average signifies superlative talent or merely that the student completed undemanding courses.

The bill does not seek to make universities *do* anything differently; it only asks them to make transparent for students, parents, and taxpayers *what* it is they are doing.

# Education Task Force

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2013 Annual Meeting: Model Legislation for Sunset Review

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# 1. Virtual Public Schools Act

## Declaration.

(A) The General Assembly hereby finds and declares that:

(1) Meeting the educational needs of children in our state's schools is of the greatest importance to the future welfare of [state];

(2) Closing the achievement gap between high-performing students, including the gap between minority and non-minority students, including the gap between minority and non-minority students and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

(3) Providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in our state improve their academic achievement;

(4) Many of our school districts currently lack the capacity to provide other public school choices for students whose schools are low-performing.

(B) The General Assembly further finds and declares that virtual schools established in this article:

(1) Provide [state] families with an alternative choice to access additional educational resources in an effort to improve academic achievement;

(2) Must be recognized as public schools and provided equitable treatment and resources as any other public school in the state.

## Simple Version:

“Nothing in this bill shall preclude the use of computer- and Internet-based instruction for students in a virtual or remote setting.”

## Section 1. {Definitions.}

(A) “Virtual school” shall mean an independent public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.

(B) “Sponsor” shall mean the public school district, charter school board, or state department having a fiduciary responsibility for the operation of the virtual school.

## Section 2. {Accountability Requirements.}

(A) Sponsor. A virtual school shall be evaluated annually by its sponsor based on the following criteria:

(1) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards.

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

(B) Student and Family.

(1) Each student will have access to a sequential curriculum that meets or exceeds the state's academic standards and that has an interactive program with significant online components.

(2) Each student will be required to have \_\_ (900) hours of learning opportunities per academic year, or a student has demonstrated mastery or completion of appropriate subject areas.

(3) Each student will be assessed regularly in Language Arts, Math, Science, and Social Studies.

(4) For each family with a student enrolled, the virtual school shall:

(a) provide instructional materials;

(b) ensure access to necessary technology such as a computer and printer; and

(c) ensure access to an Internet connection used for schoolwork.

(5) Virtual schools are prohibited from providing allotments to students or families to purchase instructional programs or materials. Nothing in this clause shall prohibit virtual schools from reimbursing families for costs associated with their Internet connection for use in the virtual school program.

(3) Teacher. Each teacher shall be qualified to teach in the State of [state] under existing law.

(4) Offices and Facilities. A virtual school shall maintain an administrative office within the state in which its sponsor is located, which shall be considered its principal place of business.

(5) Open Enrollment. Any student who meets state residency requirements may enroll in a virtual school.

**Endnotes**

1. "Virtual public schools" is a term used in many states to refer to these kinds of schools. Other terms include distance-learning schools, cyber-schools, online-learning schools, etc. The authors recommend that legislators choose the term that best serves the purposes of the legislation in their state.

*Adopted by the ALEC Education Task Force at the States & Nation Policy Summit December 4, 2004.*

*Approved by the ALEC Legislative Board of Directors January, 2005.*



## 2. The College Funding Accountability Act

### *Summary*

The College Funding Accountability Act would require any college or university that accepts state funding to undergo an outside financial audit if a budget increase or tuition increase request is higher than the formula listed below.

### *Model Legislation*

#### **{Title, enacting clause, etc.}**

**Section 1. {Title}** This Act may be cited as the College Funding Accountability Act.

#### **Section 2. {Definitions}**

(A) “College or University” means any school of secondary education that receives financial support from the state.

(B) “Cost of Living” means the Consumer Price Index (all items) for the United States of America, or any comparable index, as computed by the Bureau of Labor Statistics of the Department of Commerce of the United States for a 12 month period of time.

(C) “Population” means the number of people residing in the state, excluding armed forces stationed overseas, as determined by the United States Bureau of the Census.

#### **Section 3. {The Scope of the Act}**

(A) Each college or university that requests an appropriation from the state that exceeds monies received in the prior fiscal year, except for allowances for cost-of-living and population, must submit to an outside financial audit to determine if the additional increase in funding is both necessary and prudent to meet the financial needs of the college or university.

(B) Each college or university that requests authorization for a tuition increase more than monies received in the prior fiscal year, except for allowances for cost-of-living and population, must submit to an outside financial audit to determine if the additional increase in funding is both necessary and prudent to meet the financial needs of the college or university.

(C) Responsibility for the cost of the outside audit will fall to the legislature.

**Section 4. {Emergency clause}** The limitations imposed by Section 3 may be exceeded upon the declaration of an emergency by the governor and upon a two-thirds vote of all members elected to each House of the legislature concurring therein. The limitation may be exceeded only for the year(s) in which the emergency is declared.

#### **Section 5. {Severability clause}**

#### **Section 6. {Repealer clause}**

50     **Section 7. {Effective date}**  
51

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### 3. Resolution Calling for Greater Productivity in American Higher Education

#### *Summary*

The [state] Legislature recognizes the need to increase and reward college completion rates while promoting efficiency and cost-effectiveness at colleges and universities and recognizing alternative, innovative forms of postsecondary education, including community colleges and the lessons of for-profit models.

#### *Model Resolution*

**WHEREAS**, global trends signal the need for transformational change in United States higher education to ensure adequate numbers of college graduates are prepared to contribute to the nation's economic, political, and social well-being; and

**WHEREAS**, the United States devotes a greater share (2.9 percent) of its Gross Domestic Product than any other industrialized nation to higher education but ranks third among these nations in the proportion of its population with associate's degrees or higher; and

**WHEREAS**, to restore U.S. leadership in degree attainment, the United States must reverse a trend that has the nation in a four-way tie for 10th for the percentage of its population between ages 25 and 34 with a college degree; and

**WHEREAS**, reversing this trend and increasing the proportion of Americans with high-quality postsecondary degrees or credentials with existing funding will require a rapid movement toward efficient and cost-effective higher education; and

**WHEREAS**, room for improvement exists because the United States spends nearly twice as much per student in public and private resources as the average amount spent by other industrialized countries; and

**WHEREAS**, the United States ranks second internationally in the proportion of its population with bachelor's degrees or higher for those ages 25 to 64, but ranks eighth among nations for those with associate's degrees or less, a ranking which has declined in recent decades; and

**WHEREAS**, countries that have reached the highest overall attainment rates have tended to rely on associate's degrees and certificate programs to achieve much of their growth, allowing these countries to develop human potential at the least expense; and

**WHEREAS**, U.S. degree completion rates at community colleges and four-year institutions are below international averages, creating a high "attrition rate" that, if left unaddressed, could prevent the United States from improving its position internationally even if the country were to improve its ratio of associate's to bachelor's degrees; and

**WHEREAS**, without substantial policy changes, the United States will become less competitive globally because many other countries are doing a better job of providing opportunity for mobility for their secondary school graduates; and

47 **THEREFORE, BE IT RESOLVED** that it is the sense of the Legislature of the State of [state] that the  
48 state should:  
49

50 **1. Increase and Reward Completion.** The Legislature should begin setting aside significant portions of  
51 its higher education budget to reward institutions for students who complete courses and graduate in  
52 greater numbers at lower per-unit expense, such as through reducing time to degree, without diminishing  
53 quality.  
54

55 **2. Generate and Reinvest Savings.** State officials should ensure efficient and cost-effective academic  
56 and administrative approaches are widely embraced and disseminated, and that cost savings are used to  
57 serve more undergraduates. Better coordination of tuition, appropriations, and financial-aid policies;  
58 efforts to limit the number of “wasted credits” that receive public subsidies; more efficient use of campus  
59 space and authorization of fewer building projects; and the outsourcing of non-core operations are all  
60 necessary steps to make the best use of available dollars.  
61

62 **3. Educate and Train in Affordable Ways.** State officials should recognize the value of for-profit  
63 providers and community colleges, which are primarily open-access systems that serve students at the  
64 least expense. State officials also should formally recognize higher education is a prime candidate for  
65 innovation, including entirely new ways of delivering degree programs cost-effectively. Whether public  
66 or private, nonprofit or for-profit, two- or four-year, higher education institutions absolutely must become  
67 more nimble, efficient, and responsive to the needs of students and American society.  
68

69 **4. Establish Measures to Ensure Higher Education is Meeting the Needs of Students, Businesses,**  
70 **and Other Stakeholders.**  
71

72 *Adopted by the ALEC Education Task Force at the 36th Annual Meeting, July 16, 2009.*

73 *Approved by the ALEC Legislative Board of Directors August, 2009.*  
74

## 4. Lifelong Learning Accounts Act

### *Summary*

The Lifelong Learning Accounts Act would provide for the creation, administration, and operation of the Lifelong Learning Accounts (LiLAs) program. Under this program, participating employers match employee contributions into a LiLA, up to an established cap. Third parties are encouraged to match contributions.

### *Model Legislation*

#### **Section 1. {Title} The Lifelong Learning Accounts Act**

#### **Section 2. {Definitions}**

(A) “Lifelong Learning Account” means an individual account held by a trustee, custodian, fiduciary agent, state instrumentality, or another person approved by the treasurer of state that is owned by an employee.

(B) “Qualified education and training expenses” mean a payment for education, including tuition and fees and similar payments, books, supplies, equipment, and tools that may be retained by the employee after completion of a course of instruction, other than the following:

(1) Meals, lodging, or transportation; and

(2) Any course or other education involving sports, games, or hobbies.

#### **Section 3. {Basic Elements of the Lifelong Learning Account Act}**

(A) The [specify entity or person] may establish and maintain a program to provide for the use of Lifelong Learning Accounts. The funds in said account may be used only to pay for qualified education and training expenses incurred by or on behalf of the account owner.

(B) The program under this Section shall:

(1) Provide matching grants in an amount equal to [specify %] of the annual aggregate contribution by employees and employers into a Lifelong Learning Account, not to exceed [\$] annually;

(2) Provide a refundable individual tax credit for the employee, which is equal to [specify %] of annual aggregate Lifelong Learning Account contributions up to [specify \$ amount] for individual filers with up to [specific \$ amount] in annual gross income or joint filers with up to [specify \$ amount] annual gross income;

(3) Provide a tax credit for the employer, which is equal to [specify %] of annual aggregate Lifelong Learning Account contributions up to [specify \$ amount];

- (4) make technical assistance available to employers and educational and career advising available to individual participants;
- (5) document the process and outcomes of the Lifelong Learning Accounts program, and prepare a report thereon, to be submitted to the legislature [specify #] days on [specify date, allowing two years for implementation]; and
- (6) if appropriate, enter into contracts with other government agencies, nonprofit organizations, or for-profit firms to carry out the purpose and activities of the Lifelong Learning Accounts program.

(C) An individual who makes a nonqualified withdrawal from a Lifelong Learning Account is subject to a penalty of [specify amount or %] in the tax year that the nonqualified withdrawal took place. A nonqualified withdrawal means any withdrawal not used for “Qualified education and training expenses” or not contributed to another Lifelong Learning Account owned by the individual within 60 days.

(D) The [specify entity or person] may adopt any rules necessary to administer the provisions of this Section.

#### **Section 4. {Lifelong Learning Account Act – Financial Support}**

(A) There is appropriated out of the general revenues of the State of [specify] to [specify entity or person] the sum of [specify \$ amount] or so much thereof as may be necessary for fiscal year(s) [specify #] to carry out the purposes of the Lifelong Learning Accounts program under this Section OR The establishment of the Lifelong Learning Accounts program under this Section is subject to appropriation.

**Section 5. {Effective Date}** This Act takes effect upon becoming law.

#### ***Endnotes***

1. Elected officials in one state (IN) have introduced and passed legislation to create a pilot study. Indiana Representative Tim Harris introduced and passed HB1005 in 2005. This bill provided \$50,000 for the Department of Workforce Development (DWD) to determine the feasibility of a statewide LiLA program. It also required DWD to report its findings to the Indiana Legislative Council.

2. Elected officials and agencies in four states (HI, IA, MN, and OK) have introduced tax credit bills. Hawaii State Representative Cindy Evans introduced HB916 in 2007. This bill sought to give employers a non-refundable tax credit of up to \$500, which would be equal to the amount contributed on behalf of employees. It also proposed a refundable tax credit of up to \$500 for workers, which was not to exceed the amount annually contributed to their LiLA. The bill sought funding for technical assistance, evaluation, implementation and offsets for low-income workers. Hawaii Governor Linda Lingle incorporated HB916 into her Hawaiian Innovation and Sustainability Initiative, which was introduced in the state legislature as HB1280 and SB1366. Iowa Governor Chet Culver introduced HSB754 and SSB3253 in 2007. These bills sought to create a statewide LiLA program that allowed employers and employees to claim a refundable tax credit of up to \$500 per year. Those refundable credits were equal to 50 percent of their contributions. Minnesota State Representative Erik Paulsen introduced HF2779 in

2007. This bill sought to provide employers with a non-refundable tax credit of up to \$500, which was equal to the amount contributed on behalf of their employees. It also proposed that workers receive a refundable tax credit of up to \$500 per year, which would be equal to 50 percent of their annual contribution. The bill sought to levy a tax of up to 25 percent on any nonqualified withdrawals that were made by employees. Oklahoma State Senator Kathleen Wilcoxson introduced SB927 in 2005. This bill sought to provide a corporate income tax credit for LiLA contributions made by employers. The yearly employer tax credit would be capped at \$500 per employee and could not exceed \$50,000 over the life of the program. Employees were allowed to treat LiLA contributions as non-taxable income.

3. Elected officials in two states (IL and IN) have introduced legislation that sought to provide state matching funds. Of the two, Illinois has passed a bill that provides matching funds for LiLAs. Illinois Senator Don Harmon introduced and passed SB2931 in 2006. This bill provided \$400,000 in state matching funds to administer a statewide LiLA program in the health-care sector. It also provided funding for support services, such as education and career advising. Contributions by individuals and their employers are matched at a rate of 2:1 up to \$500. Indiana Representative Tim Harris introduced HB1173 in 2006. The bill sought \$300,000 in state funds to administer a LiLA Grant Program. This program proposed that individual workers receive \$500 per year in matching funds if they paid any part of their own educational expenses.

4. States interested in developing a Lifelong Learning Accounts program within existing resources might consider the model used in Maine. That state's Lifelong Learning Accounts program, launched in 2005, is coordinated by its state Department of Labor, which uses its existing Career Center staff and offices to do outreach to employers and employees. Additional program support is provided by the Maine Centers for Women, Work and Community, which assists employees with their education planning. The Lifelong Learning Accounts themselves are established through the state's existing Section 529 college savings program, known as NextGen, which is administered by the Finance Authority of Maine, and which includes a matching contribution for low- and moderate-income workers. This model, because it takes advantage of existing state programs, minimizes the need for additional state resources.

More information on Maine's program can be found at  
[http://www.famemaine.com/NextGen/pdf/LiLA\\_Program\\_Guidelines.pdf](http://www.famemaine.com/NextGen/pdf/LiLA_Program_Guidelines.pdf)

Additional Note:

Legislators may want to specify how many employees the program will serve (if not an unlimited amount); encourage the participation in the program of lower-income and lower-skilled workers; and implement the program in diverse geographic and economic areas.

*Adopted by the ALEC Education Task Force at the 36th Annual Meeting, July 16, 2009. Approved by the ALEC Legislative Board of Directors August, 2009.*



## 5. The Full Faith and Credit for Properly Constructed Individualized Education Plans Act

### *Summary*

Under the Individuals with Disabilities Education Act (IDEA), all students are entitled to a free and appropriate public education, and school districts are required to provide services in accordance with an individualized education plan (IEP) that outlines the particular educational needs and appropriate services for each child.

Unlike most areas of education law, IDEA creates a private right of action that enables parents to enforce their rights under a child's individualized education plan to ensure that appropriate services are provided by the district, and state and that if a district is unable to provide appropriate services, funds are made available for the child to obtain the services from an outside-the-district provider.

Although an IEP is a federally mandated document, it is not currently a "portable" document (*i.e.*, recognized from state-to-state, or even from district-to-district within a state). As a result, a student's IEP must often be redrafted when a family moves, triggering a lengthy process that often:

- jeopardizes students' rights to appropriate services under the law;
- impedes mobility of an entire family in search of economic or other opportunity (*e.g.*, job transfer); and
- triggers significant administrative costs for states and local governments, as costly IEP processes are replicated to address the capabilities of the district, rather than the needs of the child.

Ensuring IEP portability by requiring that every district within a state grants "full faith and credit" to a properly constructed IEP in another district within that state will ensure that families with special needs children are able to enjoy the same freedom and opportunity of mobility, without jeopardizing the educational options available to their children or creating costly administrative costs for school districts and taxpayers.

- The recognition of services required under IEP constructed in another district would in no way restrict the rights of parents to request a new evaluation pursuant to state and federal law.
- The Full Faith and Credit IEP Act would not curtail the rights of a district that receives a new student with an IEP to challenge the validity of an IEP that may have been improperly constructed by the referring district.
- The receiving district must, however, recognize and honor the individualized education plan described in the existing IEP while the validity of the IEP or nature of handicapping conditions and required services are being evaluated.
- States that have enacted the "Full Faith and Credit IEP Act" could, in turn, enter into interstate compacts, or agreements, to honor IEPs prepared in other states; thereby expanding freedom and mobility for families of special needs children beyond state borders.<sup>1</sup>

### *Model Legislation*

#### **Section 1. {Legislative Declaration}**

(A) Every special needs student in [insert name of state] is entitled to a free and appropriate public education, pursuant to the Individuals with Disabilities Act of [insert year of reauthorization];



(B) Local education agencies within [insert name of state] are required to create an Individualized Education Plan (IEP) pursuant to [insert reference to appropriate state law or regulation];

BE IT ENACTED BY THE STATE OF [insert name of state], [insert special education code section] is amended to read as follows:

**Section 2. {Title}** “Full Faith and Credit for Properly Constructed Individualized Education Plans Act”

**Section 3. {Basic Elements of Full Faith and Credit for Properly Constructed Individualized Education Plans Act}**

(A) Upon receiving, as a transfer student, a child with special needs (“special needs transfer student”) that has:

(1) been enrolled as a full-time student at another public school or public charter school (referring school or agency) within [insert name of state] immediately prior to enrolling in the receiving school, and

(2) has had a lawful and binding Individualized Education Plan constructed by the referring school or agency (“Existing IEP”) pursuant to [insert federal or state code site], the receiving school district shall:

(a) Recognize the handicapping conditions, required educational services, and *all* other requirements specified within the Existing IEP; and

(b) Ensure that the specific educational services required in the IEP are provided to the student within 30 days of the student’s first day attending school within the referring school district.

(B) The district may, at its option, contest the validity of the IEP, including the determination of specific handicapping conditions or appropriateness of services required by the IEP in accordance with applicable state and federal law; however, the receiving district *must* follow and honor the requirements of the Existing IEP during the time which any element of the Existing IEP is being challenged and reevaluated at the receiving district’s option unless:

(1) The district, with the consent of a parent or guardian, provides funding directly to the parent for the purchase of appropriate services, in accordance with the following schedule [or, the applicable state Special Needs Scholarship Act].

**Section 4. {Effective Date}** The Full Faith and Credit for Properly Constructed IEP Act will be in effect immediately after the enactment of this act.

*Adopted by ALEC's Education Task Force at the States & Nation Policy Summit December 6, 2008.*

*Approved by full ALEC Legislative Board of Directors January, 2009.*

## 6. Personal Financial Literacy Act

### *Summary*

The Personal Financial Literacy Act would require the teaching of personal financial literacy education to public school students in grades seven through twelve and require students to achieve satisfactory completion of financial literacy education in order to graduate.

### *Model Legislation*

#### **Section 1. {Title}** The Personal Financial Literacy Act

#### **Section 2. {Definitions}**

(A) “Personal financial literacy passport” shall include, but is not limited to, the following areas of instruction:

- (1) Understanding interest, credit card debt, and online commerce;
- (2) Rights and responsibilities of renting or buying a home;
- (3) Savings and investing;
- (4) Planning for retirement;
- (5) Bankruptcy;
- (6) Banking and financial services;
- (7) Balancing a checkbook;
- (8) Understanding loans and borrowing money, including predatory lending and payday loans;
- (9) Understanding insurance;
- (10) Identity fraud and theft;
- (11) Charitable giving;
- (12) Understanding the financial impact and consequences of gambling;
- (13) Earning an income; and
- (14) Understanding state and federal taxes.

(B) “Board” means the state Board of Education.

(C) “Department” means the state Department of Education

### Section 3. {Administration}

(A) Beginning with students entering the seventh grade in [year] school year, in order to graduate from a public high school accredited by the state Board of Education with a standard diploma, students shall fulfill the requirements for a personal financial literacy passport. The requirements for a personal financial literacy passport shall be satisfactory completion in all areas of instruction in personal financial literacy as listed in Subsection (A) of Section 2 during grades seven through twelve.

(B) Beginning with the [year] school year, school districts shall provide instruction in personal financial literacy to students during grades seven through twelve. School districts shall have the option of determining when each area of instruction listed in Subsection (A) of Section 2 shall be presented to students.

(C) Personal financial literacy instruction shall be integrated into one or more existing courses of study or provided in a separate personal financial literacy course. School districts shall have the option of determining into which course or courses each area of instruction listed in Subsection (A) of Section 2 shall be integrated.

(D) The state Board of Education shall identify and adopt curriculum standards for personal financial literacy instruction that reflect the areas of instruction listed in Subsection (A) of Section 2. The standards shall be incorporated into the state academic content standards adopted by the Board.

(E) The state Department of Education shall:

(1) Develop guidelines and material designed to enable schools to infuse personal financial literacy within any course of study currently offered by the school district or offer personal financial literacy as a separate course. The guidelines shall outline the areas of instruction to be taught based on the curriculum standards adopted by the Board;

(2) Provide resources, including online modules, for integrating the teaching of personal financial literacy into an existing course or courses of study or for developing a separate personal financial literacy course. The online modules shall include an assessment component for each area of instruction listed in Subsection (A) of Section 2.

(F) The Department may work with one or more not-for-profit organizations that have proven expertise in the development of standards and curriculum and delivery of teacher professional development in personal financial literacy for the purpose of developing and providing guidelines, materials, resources, including online modules, and professional development.

(G)

(1) For students who transfer into a [state] school district from out of state after the seventh grade, school districts shall assess the knowledge of the student in each of the areas of instruction listed in Subsection (A) of Section 2. If the school district determines that the transferred student has successfully completed instruction in any or all of the areas of personal financial literacy

instruction at a previous school in which the student was enrolled or if the student demonstrates satisfactory knowledge of any or all of the areas of personal financial literacy instruction through an assessment, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction. School districts may use the assessment contained in the online modules provided by the state Department of Education pursuant to Subsection (E) of this section to determine the personal financial literacy knowledge level of the student. School districts may also use the online modules to present an area of instruction to transferred students who have not completed or who did not demonstrate satisfactory knowledge in one or more of the areas of personal financial literacy instruction.

(2) For students who transfer into a [state] school district from out of state after the junior year of high school, school districts may make an exception to the requirements for a personal financial literacy passport.

**Section 4. {Severability Clause}**

**Section 5. {Repealer Clause}**

**Section 6. {Effective Date}**

*Adopted by the ALEC Education Task Force at the 36th Annual Meeting, July 16, 2009. Approved by the ALEC Legislative Board of Directors*

## 7. Charter Schools Act

### *Summary*

The Charter Schools Act allows groups of citizens to seek charters from the state to create and operate innovative, outcomes-based schools. These schools would be exempt from state laws and regulations that apply to public schools. Schools are funded on a per-pupil rate, the same as public schools. Currently, Minnesota operates the most well-known program.

### *Model Legislation*

**Section 1. {Title.}** The Charter Schools Act

**Section 2. {Purpose.}** The purposes of this bill are to:

(A) improve pupil learning;

(B) increase learning opportunities for pupils;

(C) encourage the use of different and innovative teaching methods;

(D) require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;

(E) establish new forms of accountability for schools; and

(F) create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

**Section 3. {Applicability.}** This Act applies only to charter schools formed and operated under this Act.

**Section 4. {Formation of School.}** A sponsor may authorize one or more individuals or an organization to form and operate an outcomes-based school. An individual or organization shall organize and operate as a cooperative under (insert state code). The sponsor's authorization shall be in the form of a written contract between the sponsor and the board of directors of the charter school.

**Section 5. {Contract.}** The contract shall be in writing and contain at least the following:

(A) a description of a program that carries out one or more of the purposes in Section 2;

(B) specific outcomes to be achieved by the pupils;

(C) admission policies and procedures;

(D) management and administration of the school;

(E) requirements and procedures for program and financial audits;

(F) assumption of liability by the charter school;

(G) types and amounts of insurance coverage to be obtained by the charter school; and

(H) the term of the contract, which may be up to three years.

**Section 6. {Advisory Committee.}** The state board of education shall appoint an advisory committee comprising 10 members.

**Section 7. {Exemption from Statutes and Rules.}** Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school board or school district, although it may elect to comply with one or more provisions of such statutes or rules.

**Section 8. {Requirements.}**

(A) A charter school shall meet the same health and safety requirements required of a school district.

(B) The school location may not be prescribed or limited by a sponsor or other authority except a zoning authority.

(C) The school must be nonsectarian in its programs, admission policies, employment practices, and all other operations.

(D) The primary focus of the school shall be to provide a comprehensive program of instruction for at least one grade or age group from 5 through 18 years of age. Instruction may be provided to people younger than 5 years and older than 18 years of age.

(E) The school may not charge tuition.

**Section 9. {Admission Requirements.}**

(A) The school may limit admission in the following ways:

(1) pupils within an age group or grade level;

(2) pupils who have attributes designating them as at risk of failure;

(3) pupils who have a specific affinity for the school's teaching methods, the school's learning philosophy, or a subject such as mathematics, science, fine arts, performing arts, or a foreign language.

(B) The school shall not limit admission to students on the basis of athletic ability.

**Section 10.** A charter school shall design its programs to at least meet the standards adopted by [state], or in the absence of state requirements the school shall meet the outcomes contained in the contract with the sponsor. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the state board.

**Section 11.** The school shall provide instruction each year for at least the number of days required of school districts.

**Section 12.** Transportation for students enrolled at a school shall be provided by the school district in which the school is located, pursuant to [insert state statute], for a student who resides in the same school district in which the outcomes-based school is located. Transportation may be provided by the school district in which the school is located for a student residing in a different school district.

**Section 13.** If a teacher employed by a school district makes a written request for an extended leave of absence to teach at a charter school, the school district shall grant the leave.

**Section 14. {Severability clause.}**

**Section 15. {Repealer clause.}**

**Section 16. {Effective date.}**

*1995 Sourcebook of American State Legislation.*

## 8. Next Generation Charter Schools Act

### *Summary*

The State of [state] recognizes establishment of charter schools as necessary to improving the opportunities of all families to choose the public school that meets the needs of their children, and believes that charter schools serve a distinct purpose in supporting innovations and best practices that can be adopted among all public schools. Further, the State of [state] recognizes that there must be a variety of public institutions that can authorize the establishment of charter schools as defined by law, and recognizes that independent but publicly accountable multiple authorizing authorities, such as independent state commissions or universities, contribute to the health and growth of strong public charter schools. Therefore, the purpose of this act is to establish that existing (or new) public entities may be created to approve and monitor charter schools in addition to public school district boards. This act also removes procedural and funding barriers to charter school success.

### *Model Legislation*

#### **Section 1. {Title.}** The Next Generation Charter Schools Act

#### **Section 2. {Declaration of Purpose.}**

(A) The General Assembly hereby finds and declares that

(1) The Charter School Act of [year] as approved by this body has provided students in our state with high-quality public school choices while advancing overall academic excellence<sup>1</sup> and helping to close the achievement gap; and

(2) The demand for quality public school choices in [state] consistently outstrips the supply; and

(3) National research and accumulated experience have documented that quality public charter schools best fulfill their potential when they have the resources, autonomy and accountability they need to succeed.

(B) The General Assembly further finds and declares that the provisions established in this article update and improve [state's] Charter School Act to meet [state's] 21st century educational needs.

#### **Section 3. {Definitions.}**

(A) "Charter authorizer" as used in this article means an entity or body established in Section 4 to approve charter schools.

(B) "Charter Board" means the independent, state-level entity created pursuant to Section 4 as a charter authorizer.

(C) "Charter applicant" means an eligible person(s), organization, or entity as defined by the Charter School Law that seeks approval from a charter authorizer to found a charter school.



(D) “Charter school” means:

(1) Any new school or a distance-learning program which is not currently being operated as a public or private school that is approved by a charter authorizer to operate as a public school under the Charter School Law;

(2) Any school converted from an existing public or private school and approved by a charter authorizer to operate as a public charter school under the Charter School Law.

(E) “School district” means each school district now or hereafter legally organized as a body corporate pursuant to [insert state statute];

(F) “State Board” means the state board of education appointed pursuant to [insert state statute].

**Section 4.<sup>ii</sup> {Charter Authorizers.}<sup>iii</sup>**

(A) Upon the effective date of this article and thereafter, a charter applicant seeking to establish a public charter school may submit the charter petition to one of several charter authorizers:

(1) The elected governing authority of a county or municipality [define limitations, if any];

(2) The mayor of a city [define limitations, if any];

(3) The state board of education;

(4) The board of trustees of a two- or four-year institution of higher learning as defined by [insert state statute], as described in Subsection 4(B);

(5) The Public Charter School Board established in Subsection 4(C).

(B) Establishment – University Authorizer

(1) In general, there is established within the state public university authorizers.

(2) The ultimate responsibility for choosing to sponsor a charter school and responsibilities for maintaining sponsorship shall rest with the university’s board of trustees.

(3) Notwithstanding Subsection (2), the university’s board of trustees may vote to assign sponsorship authority and sponsorship responsibilities to another person or entity that functions under the direction of the university’s board. Any decisions made under this subsection shall be communicated in writing to the department of education and the charter school review panel.

(4) Before a university may sponsor a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.

(5) The total number of charter schools that may be approved and opened in a calendar year by all university sponsors may not exceed [add restriction, if any]. This subsection expires [date].

(C) Establishment – Public Charter School Board.

(1) There is established within the state a Public Charter School Board (in this section referred to as the “Board”).

(2) Membership. – The Governor shall solicit from the Speaker of the House and the President of the Senate a list of 15 individuals they determine are qualified to serve on the Board. The Governor shall appoint 7 individuals from the list to serve on the Board. The Governor shall choose members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(a) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools;

(b) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise;

(c) The educational, social, and economic development needs of the state; and

(d) The needs and interests of students and parents in the state, as well as methods of involving parents and other members of the community in individual schools.

(3) Vacancies. –

(a) Other than from expiration of term. – Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member of the Board, the Governor, not later than 30 days after the vacancy occurs, shall request from the leaders of the Legislature a list of 3 people they determine are qualified to serve on the Board. The Governor shall appoint 1 person from the list to serve on the Board. The Legislature shall recommend, and the Governor shall appoint, such member of the Board taking into consideration the criteria described in Paragraph (2) of this Subsection. Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(b) Expiration of term. – Not later than the date that is 60 days before the expiration of the term of a member of the Board, the Governor shall appoint 1 person from a list of 3 people that the Legislative leaders determines are qualified to serve on the Board. The Speaker and Senate President shall recommend, and the Governor shall appoint, any member of the Board taking into consideration the criteria described in Paragraph (2) of this Subsection.

(4) Time limit for appointments. – If, at any time, the Governor does not appoint members to the Board sufficient to bring the Board’s membership to 7 within 30 days after receiving a recommendation from the legislative leadership under paragraph (2) or (3) of this subsection, the Speaker, not later than 10 days after the final date for such an appointment, shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) Terms of members. –

(a) In general. – Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2) of this subsection, the Governor shall designate:

(i) Two members to serve terms of 3 years;

(ii) Two members to serve terms of 2 years; and

(iii) One member to serve a term of one year.

(b) Reappointment. – Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(c) Independence. – No person employed by the state’s public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(6) Operations of the Board. –

(a) Chair. – The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members’ terms, or when requested by a majority vote of the members of the Board.

(b) Quorum. – A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(c) Meetings. – The Board shall meet at the call of the Chair, subject to the hearing requirements of [cite statute here].

(7) No compensation for service. – Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(8) Personnel and resources. –

(a) In general. – Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary.

(b) Special rule. – The Board is authorized to use the services, personnel, and facilities of the state of [insert state].

(9) Expenses of Board. – Any start-up expenses of the Board shall be paid from such funds as may be available to the State Department of Education; provided, that within 45 days of [implementation date], the State Department of Education shall make available not less than \$130,000 to the Board.

(10) Audit. – The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(11) Authorization of appropriations. – For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this Subchapter, there are authorized to be appropriated to the Board \$300,000 for fiscal year [date] and such sums as may be necessary for each of the 3 succeeding fiscal years.

(12) Fees. – For the purposes of approval and oversight of charter schools, the Board may charge fees not to exceed 1.5% of per pupil enrollment revenues for each student in each school approved by the Board.

## **Section 5. {Application Process.}**

(A) Each charter authorizer must establish a charter petition process and timeline that conform to the requirements of the Charter School Act while optimizing effective review of its proposed charter schools and oversight of its approved charter schools. A charter authorizer is not required to approve a charter and may require an applicant to modify or supplement an application as a condition of approval. An applicant shall submit an application to a charter authorizer for approval. [insert requirements]

(B) Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters; provided, however, that a renewal application shall include:

(1) A report of the progress of the charter school in achieving the educational objectives set forth in the charter.

(2) A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private. Such statement shall be in a form prescribed by the state superintendent of public instruction.

(3) Copies of each of the annual reports of the charter school required by [section XX of] the Charter School Law, including the charter school report cards and the certified financial statements.

(4) Indications of parent and student satisfaction.

(C) Such renewal application shall be submitted to the charter entity no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown.

## **Section 6. {Blanket Waiver.}**

A charter school is a public school and is part of the state's system of public education. Except as provided in [add relevant citation in state code], a charter school is exempt from all statutes and rules applicable to a school, a board, or a district, although it may elect to comply with one or more provisions of statutes or rules.

## **Section 7. {Equitable Funding.}**

A charter school is a public school and is part of the state's system of public education. A charter school shall receive funding for each of its pupils from federal, state and local sources that is equal to the amount that a traditional public school would receive for that same pupil.

## **Section 8. {Caps.}**

This article hereby removes the limit [of XXX] as established in the Charter School Law on the number of approved charter schools as of the effective date in Section 9.

## **Section 9. {Effective Date.}**

The Next Generation Charter Schools Act will be in effect beginning no later than July 1, [year].

## **Endnotes**

<sup>i</sup>. Insert supporting references of studies of charter school achievement and/or test-score/achievement comparisons. See [www.edreform.com](http://www.edreform.com) for information about current studies.

<sup>ii</sup>. States may use one or several of the options provided for in Section 4. As of July 2007, seven (7) states authorize the administration of a public university to take on chartering authority, separate from any of the specific departments representing a discipline. In this case, the individual campuses of a state university, for example, may open an office that is subsidized by state start up grants and or/per pupil enrollment fees. Other states have independent charter school Boards or commissions that are established, and some have a combination of the above. In states where the political environment is hostile, university authorizers may be a preferable route over a Board which is appointed by the Governor and state legislative leaders. Having additional authorizers (both Boards and universities) might help alleviate any negative political influences as there will be other alternatives for applicants and therefore less power condenses in the hands of one authorizer.

197 <sup>iii</sup>. In some states, there is a perceived constitutional barrier to allowing an entity other than a school  
198 district or the state board of education to authorize public schools. States with multiple charter authorizers  
199 have established case law that can be useful for policy-makers in establishing the constitutionality of  
200 multiple charter school authorizers.

201 *Adopted by the ALEC Education Task Force at the Annual Meeting July 26, 2007.*

202 *Approved by the ALEC Legislative Board of Directors September, 2007.*

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## 9. Teacher Choice Compensation Act

### *Summary*

This act creates a program where by teachers may be eligible for performance-based salary stipends if they opt out of their permanent contract and meet measurable student performance goals based on a value-added test instrument developed by the state department of education.

### *Model Legislation*

**Section 1. {Short Title}** This act shall be known as the Teacher Choice Compensation Act.

**Section 2. {Legislative Purpose}** There is hereby created the “Teacher Choice Compensation Package” to permit performance-based salary stipends upon the decision of the teacher to opt out of their permanent contract, to reward teachers for objectively demonstrating superior performance.

**Section 3. {Teacher Choice Compensation Fund}** There is hereby created the “Teacher Choice Compensation Fund” in the state treasury. The fund shall be administered by {insert name of state department of education}.

**Section 4. {Eligibility}** To be eligible for the teacher choice compensation package, all classroom personnel reported as {insert appropriate state classification} shall opt out of his or her contract for the duration of employment with the district.

(A) A teacher may decide to end his or her eligibility for the teacher choice stipend but may not resume permanent teacher status with that district.

(B) A probationary teacher may opt out of consideration for a permanent contract in the second or subsequent years of employment by the district to participate in the teacher choice compensation package but may not return to permanent status in that district or resume the process for qualification for a permanent contract in that district.

(C) A teacher who has chosen the teacher choice compensation package and changes employment to another district may choose to resume the process for qualification for a permanent contract in that district or may choose to remain in the teacher choice compensation package or the new district.

**Section 5. {Teacher Choice Stipends}** Teachers shall qualify annually in October for the teacher choice compensation stipend. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand dollars, but shall not exceed fifty (50) percent of a teacher’s base salary, before deduction for retirement but including stipends for additional duties such as coaching, sponsoring, or mentoring, etc. Any stipend received shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive any pay and benefits received by teachers of similar training, experience, and duties.

**Section 6. {Stipend Disbursement}** Subject to appropriation, the {insert name of state department of education} shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum in January following the October of qualification.



**Section 7. {Student Performance Measures}** Beginning with the next full school year following the enactment of this act, teachers who elect to participate in the teacher choice compensation package shall be eligible for stipends based on the following criteria:

(A) Score on a value-added test instrument or instruments. Such instruments shall be defined as those which give a reliable measurement of the skills and knowledge transferred to students during the time they are in a teacher's classroom and shall be selected by the school district from one or more of the following assessments:

(1) A list of recognized value-added instruments developed by the {insert name of state department of education}.

(2). Scores on annual test required by the federal Elementary and Secondary Education Act reauthorization of 2002 for the third through eighth grade may be used as value-added instruments if found appropriate after consideration and approval by the state board of education.

(3) A district may choose an instrument after a public hearing of the district board of education on the matter, with the reasons for the selection entered upon the minutes of the meeting; provided, however, that this option shall not be available to districts after scores are established for paragraphs (1) and (2) of this subdivision.

(B) Evaluations by principles or other administrators with expertise to evaluate classroom performance.

(C) The {enter name of state department of education} shall develop criteria for determining eligibility for stipend increments, including a range of target scores on assessments for use by the districts.

**Section 8. {Severability clause}**

**Section 9. {Repealer clause}**

**Section 10. {Effective Date}**

*Adopted by ALEC's Education Task Force at the Annual Meeting August 8, 2002.*

*Approved by full ALEC Legislative Board of Directors September, 2002.*



## 10. Teacher Quality and Recognition Demonstration Act

### *Summary*

The need for quality teachers in improving student achievement is generally recognized as one of the most crucial elements of state reform efforts. A primary concern in the quality of the performance of teachers is the forecast for an increasing need for more teachers. This bill is directed towards creating a new structure of the current teaching system that will promote the retention and reward of good teachers and attract new talent to the profession. This bill establishes Teacher Quality Demonstration projects wherein local education agencies are exempt from education rules and regulations regarding teacher certification, tenure, recruitment, and compensation, and are granted funding for the purpose of creating new models of teacher hiring, professional growth and development, compensation and recruitment.

### *Model Legislation*

**Section 1. {Short Title}** This Act may be cited as the Teacher Quality and Recognition Demonstration Act.

**Section 2. {Purpose}** The purpose of this Act is to support up to {insert number - suggested at least 5, not more than 12} teacher quality demonstration programs in which staffing models are reorganized from ones built around fixed salary levels to ones built on a multi-tiered approach with increasing salary flexibility and incentives, new career paths, performance-based appraisal and new models of professional development.

**Section 3. {Definitions}** For the purposes of this act:

(A) Teachers – The term “teachers” means staff that have half to full time instructional responsibility in any field directed by the district.

(B) Cluster – The term “cluster” means a set of schools made up of one high school, up to four middle schools and up to seven elementary schools within a school district.

(C) Applicant – The term “applicant” means the school superintendent of the district in which the cluster is located.

(D) Commissioner – The term “commissioner” means the chief state school officer.

(E) Instructional Salary – {Insert state definition}.

### **Section 4. {Establishment of Pilot Project}**

(A) IN GENERAL – No later than 18 months prior to the school year for which the demonstration is scheduled to begin, the State shall make available to applicants information on project requirements and the involvement and oversight by an advisory body to be determined by the State.

(B) PROJECT AUTHORIZED – The State shall approve the creation of {insert appropriate number - suggested at least 5, not more than 12} pilot clusters that develop a system for attracting, retaining, rewarding and motivating teachers.

(C) PROJECT REQUIREMENTS – Each cluster shall meet the following requirements:

(1) Multiple Career Paths.

(a) Placement of all teachers in expanded roles, which may include school leaders, directors of programs, master teachers, mentors and other instructional positions approved by the Commissioner.

(b) In expanding the roles of teachers, the Commissioner shall take into consideration the interests, ability and accomplishments of teachers.

(2) Market-based Compensation – Establishment of a flexible salary and reward system for teachers in which compensation levels is based on the accomplishments and performance of teachers, student academic achievement and evaluations from peers, senior teachers and the principal.

(3) Performance-based Accountability –

(a) Elimination of tenure and establishment of 3-year contracts.

(b) Establishment of a system for teacher hiring and advancement that is based on reviews evaluations conducted by peers both within and outside the school district.

(4) Professional Development – Establishment of ongoing professional development activities that meet the following requirements: A) directly related to the curriculum and content areas in which the teacher provides instruction; B) tied to challenging State or local content and student performance standards; C) related to the instruction in methods of disciplining children; D) related to proven effective instructional strategies and methods for improving student achievement;

(5) MENTORING – The establishment of a formal system of mentoring, such as from master teachers to newly hired teachers or teachers identified through evaluations to be in need of assistance.

(6) ALTERNATIVE CERTIFICATION –

(a) Establishment of an alternative certification program to train and hire individuals that possess academic degrees in the fields they will be teacher and who demonstrate expertise in the field in which they will be teaching.

(b) Make available State or National certification.

## **Section 5. {School District Application}**

(A) IN GENERAL – Each school district that has a cluster that wishes to carry out the teacher quality demonstration project must submit an application to the State, at such time and such manner as the State may reasonably require.

(B) CONTENTS OF APPLICATION – Each such application shall contain:

(1) A description of how the project will assist the district in achieving its goals.

(2) An identification and description of schools to be included in the cluster.

(3) A description of the project, including how the district will comply with the project requirements in accordance with section 4.

(4) An assurance that the school district will increase the instructional salaries for teachers in the cluster, as required by the various career positions and performance-based evaluations.

(5) A detailed description of the cost of the project, including how the district will reallocate or raise funds to cover the costs associated with the implementation of the program.

(6) A description of the State statutory and regulatory requirements that to be waived in order to comply with the project requirements as set forth in section 4.

## **Section 6. {Teacher Quality Project Funding}**

(A) IN GENERAL – The state will award grants for up to 10 school districts having applications approved pursuant to section 5 to enable school districts to conduct a teacher quality project in accordance with this part.

(B) AMOUNT CRITERIA – The State shall award in an amount that is not less than 50% of the costs associated with implementation of the project, of which at least 10% of the current teacher salary budget shall be designated specifically for increases in instructional salaries in the cluster.

(C) GRANT PERIOD – The State shall not award grants under this part for a period to exceed 5 years.

## **Section 7. {Waiver from State Regulations}**

For grantees, the State Board of Education shall waive statutory and regulatory requirements related to education, including those regarding teacher recruitment, tenure and compensation.

## **Section 8. {Evaluation}**

The State Education Agency, the district and/or the school shall periodically evaluate the outcomes of the teacher quality demonstration project and upon request, shall submit copies of the evaluations to the State Board of Education.

94    **Section 9. {Authorization of Appropriations}**

95    There are authorized to be appropriated such sums as may be necessary for each of the {enter number of  
96    years} succeeding years to carry out the provisions of this part.

97    **Section 10. {Severability Clause}**

98    **Section 11. {Repealer Clause}**

99    **Section 12. {Effective Date}**

100                    *Adopted by ALEC's Education Task Force at the Annual Meeting August 8, 2002.*  
101                    *Approved by full ALEC Legislative Board of Directors September, 2002.*

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# 11. National Teacher Certification Fairness Act

## *Summary*

This act creates a level and open playing field between nationally recognized teacher certification programs.

## *Model Legislation*

**Section 1. {Short Title}** This act shall be cited as the National Teacher Certification Fairness Act.

**Section 2. {Open Competition}** Wherever possible in appropriate state statute, the following language change shall be made:

(A) Wherever statute, regulation, or spending bill mentions National Board for Professional Teaching Standards, insert, “or National Council on Teacher Quality.”

**Section 3. {Testing Fee Support}** If state testing fee support is provided to teachers seeking National Board for Professional Teaching Standards certification, the following language change shall be made:

(A) Wherever National Board for Professional Teaching Standard is mentioned, insert, “or National Council on Teaching Quality’s testing fees, whichever is less.”

**Section 4. {Severability clause}**

**Section 5. {Repealer clause}**

**Section 6. {Effective date}**

*Adopted by ALEC's Education Task Force at the States and Nation Policy Summit December 13, 2001.*

*Approved by full ALEC Legislative Board of Directors January, 2002.*

## **REIMBURSEMENT POLICY BY MEETING**

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to a predetermined set limit for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for a two-night stay are covered by ALEC.
3. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
4. ***State Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state reimbursement account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
5. *Non-Task Force Members* can be reimbursed out of the state reimbursement fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Reimbursement Form:*** State reimbursement funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Reimbursement Form:*** Any other fees or payments must come out of the state reimbursement account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



## **American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES**

### ***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Legislative Board of Directors.

### ***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
  - publications that express policy positions, including, but not limited to State Factors and Policy Briefs;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### ***III. GENERAL PROCEDURES***

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Legislative Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Advisory Council Chair. The National Chair and the Private Enterprise Advisory Council Chair will in turn refer the matter in question to the Legislative Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co-chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

**The Task Force Board Committee Co-Chairs** shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Advisory Council Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Advisory Council Chair decision is final on this model bill or resolution.

**Joint referral of model legislation and/or resolutions** are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a



working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Enterprise Advisory Council Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Advisory Council Chair.

- B. **The National Chair and the Private Enterprise Advisory Council Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. **The Legislative Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Legislative Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Legislative Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Legislative Board of Directors.
- D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. If a Task Force is **unable to develop an operating budget**, the Legislative Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of

membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.

- F. **The Legislative Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Legislative Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### **IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES**

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
- (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
  - (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
  - (5) Reviewing bills that are approaching the five year Sunset as specified in Section
- C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The

Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B)); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F)); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).

- D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force and the Legislative Board of Directors before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

## ***V. Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.
- C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are

appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.

- D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

## **VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS**

### **VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, ALTERNATES, TEMPORARY ALTERNATES, CHAIRS, COMMITTEES AND ADVISORS**

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative Task Force Members and up to five Alternate Legislative Members who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. The Temporary Alternate appointment is the only exception. Each state has one temporary alternate position available for each Task Force. No less than seven days prior to the Task Force Meeting, the State Chair may submit a Temporary Alternate appointment in writing to the Task Force Director. The Temporary Alternate does not have permanent status on the Task Force and may not introduce legislation. The appointment ends at the adjournment of the Task Force Meeting. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chair will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than

five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairs will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Legislative Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairs may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Advisory Council Chair and the immediate past Private Enterprise Advisory Council Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Advisory Council may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Advisory Council and the immediate past Private Enterprise Advisory Council Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Advisory Council. The Chair and the immediate past Chair of the Private Enterprise Advisory Council will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Advisory Council will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Advisory Council may reappoint a Task Force Private Sector Chair to a second operating cycle term.

- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Advisory Council Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## ***VII. REMOVAL AND VACANCIES***

- A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chair of the Private Enterprise Advisory Council may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.

- F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.
- G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

### ***VIII. MEETINGS***

- A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.

All ALEC model bills and resolutions will have an original adoption date and five year sunset date which can be renewed by a vote of the Task Force Executive Committee or the full Task Force and the ALEC Legislative Board of Directors.

All bills or model resolutions that are four years from adoption date will have one year for the Task Force to review and vote on whether to extend another five years. The Task Force Director will transmit all four year old model bills and resolutions to the Task Force Executive Committee no later than **65 Days** before the next Task Force Meeting.

In the **65 Day Notice** ALEC Staff will make one of the following recommendations for each four year model bill or resolution to the Task Force Executive Committee.

- The policy should sunset
- The policy should be amended
- The policy should be retained

The Task Force Co Chairs may appoint a special committee to review the recommendations from the ALEC staff. Executive Committees are to vote **40 Days** prior the next Task Force Meeting. The Executive Committees shall vote by phone, in person, or by any electronic means.

If a two-thirds majority of the Task Force **Executive Committee votes to retain** the model bill or resolution that action is to be reported to the full Task Force. The model bill or resolution will be directly transmitted to the Legislative Board of Directors for consideration. No Task Force vote is necessary since the model bill or resolution is existing policy and both the Task Force Executive Committee and the Legislative Board of Directors will vote to extend the sunset.

If a majority of the Task Force **Executive Committee agrees to sunset, amend, or retain** the model bill or resolution the model policy moves onto the full Task Force. The Task Force Executive Committee will transmit all model bills that are to expire as sunset or that are to be amended to the full Task Force. At the Co-Chairs discretion, any bill or resolution up for task force consideration may be placed on the **consent slate** that will go before the full Task Force.

Any member of the Task Force may make a motion to separate any model bill or resolution from the Consent calendar but must have an additional four members of the Task Force rise in support to second the motion. It would take a majority of the public and private sector bill to take any action on the model bill or resolution.

All model bills retained, amended, or sunset will go before the Legislative Board of Directors for approval before adoption as described in Section IX.

- B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only Legislative Members who serve as regular Task Force Members may introduce any resolution, policy statement or model bill. Private Sector Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings.



- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:

- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
- I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

## IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and being deemed within the scope of ALEC's core mission affirmation by the Legislative Board of Directors or (2) 70 days after adoption by the Task Force if no member of the Legislative Board of Directors requests **a formal review by the Board of Directors**, or (3) the National Chair may request an expedited vote on any bill that passed the Task Force by a 2/3 vote and is deemed within ALEC's core mission which waives all the Board deadlines. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director/Senior Director of Policy shall transmit within 20 days all Task Force policy statements, model bills or resolutions to the Executive Committee of the Board of Directors. The Executive Committee shall review and determine that each bill or model resolution is deemed within the scope of core issues. If not found to be within the scope of core issues the bill is returned to the Task Force. If the bill is found to be within the scope of core issues it shall be placed before the Board for consideration for adoption.
- C. The Executive Director/Senior Director of Policy shall transmit from the Executive Committee to the full Board any policy statement, model bill or resolution within ten days of such approval. Members of the Legislative Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Legislative Board of Directors may request that the policy be formally reviewed by the Legislative Board of Directors before the policy is adopted as official ALEC policy.

D. A member of the Legislative Board of Directors may request a formal review by the Legislative Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chair to the appropriate Task Force Chair. The National Chair shall schedule a formal review by the Legislative Board of Directors no later than the next scheduled Legislative Board of Directors meeting. If the model bill or resolution has previously undergone a challenge before the full Board the National Chair may elect any of the following options:

- Allow for a second formal review
- Allow for a vote only at the next Board Meeting waiving Section IX (E) except for staff analysis.
- Allow for an early vote of the full board by any means of electronic communication waiving Section IX(E) except for staff analysis.

E. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Legislative Board of Directors. The following is the review and adoption procedures:

- **Notification of Committee:** Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
- **Staff Analysis:** Will be prepared in a neutral fashion. The analyses will include:
  - History of Task Force action
  - Previous ALEC official action/resolutions
  - Issue before the Board
  - Proponents arguments
  - Opponents arguments
- **Standardized Review Format:** To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.

- **Notification of Committee:** The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

**F. The Legislative Board of Directors can:**

- (1) Vote to affirm the policy or affirm the policy by taking no action,  
or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

- G. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

**X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Legislative Board of Directors.



## **Mission Statement**

To advance free markets, limited government,  
and federalism.